

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Christoph Ruedinger et al.

Serial No.: 10/595,174

Filed: March 17, 2006

For: METHOD FOR THE PRODUCTION
OF ISOCYANATOORGANOSILANES

Group Art Unit: 1621

Examiner: Jennifer Cho

Attorney Docket No.: WAS 0742 PUSA

**RESPONSE TO NOTICE OF NON-COMPLIANT
APPEAL BRIEF UNDER 37 CFR § 41.37**

Mail Stop Appeal Brief- Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated January 13, 2009, kindly substitute the attached Section V, "Summary Of Claimed Subject Matter" (page 2) for that same section presented in the Appeal Brief as filed on December 5, 2008, per MPEP § 1205.03(B). We draw attention to the fact that the first paragraph of Section V was drawn to independent claim 16, as should have been clear to one reading this section. The reference to claim 1 in that paragraph was to provide support for the claim from the specification. The original claims are part of the specification.

A copy of the Notice of Non-Compliant Appeal Brief is also enclosed.

The Commissioner is hereby authorized to charge any additional fees to our Deposit Account No. 02-3978.

Respectfully submitted,

Christoph Ruedinger et al.

By: 

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III. STATUS OF CLAIMS

Claims 16 - 31 are pending in this application. Claims 16 - 31 have been rejected and are the subject of this appeal. Claims 1 - 15 have been cancelled.

IV. STATUS OF AMENDMENTS

An amendment after final rejection was filed on August 22, 2008, and has been denied entry, even though no claim amendments were made.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention of claim 16, the broadest and only independent claim, is a process for preparing isocyanatoorganosilanes by thermolysis of carbamatoorganosilanes, wherein the thermolysis takes place by exposure to microwave radiation. Claim 1 as filed; disclosure page 1 lines 3 - 4; page 2, lines 21 - 24.

Claim 19 requires the thermolysis to take place in the absence of a catalyst. Disclosure page 4, lines 15 - 19; pages 10 - 11, Example 1.

Claim 20 requires a homogenous catalyst to be used. Claims 4 and 5 as filed; page 4, lines 15 - 30.

Claim 31 requires a gas-phase reactor containing a heterogenous catalyst to be located downstream from the microwave reaction chamber. Claim 15 as filed; disclosure page 9, lines 26 - 31.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 16 - 31 stand rejected under 36 U.S.C. § 103(a) as unpatentable over Kammel et al. U.S. 6,812,361 ("*Kammel*") in view of Greene et al. U.S. 6,084,226 ("*Greene*").



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ART UNIT PAPER NUMBER

Due Feb. 13, 2009

DATE MAILED: 01/13/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/595,174

Applicant(s)

RUEDINGER ET AL.

Examiner

Jennifer, Cho

Art Unit

1621


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 05 December 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

Section V Summary of claimed subject matter must identify and map all independent claims on appeal to spec. by pg. and line number or paragraph number and / or drawings if any. (Claim 16) This section should not list any canceled claims.


LASHAWN HINTON
PATENT APPEAL CENTER SPECIALIST